

**Speech-Language Pathology and Audiology Board**

1422 HOWE AVENUE, SUITE 3, SACRAMENTO, CA 95825

TELEPHONE: (916) 263-2666/ FAX: (916) 263-2668

www.slpab.ca.gov

**FULL BOARD MEETING MINUTES****January 26, 2007**

Department of Consumer Affairs  
Medical Board of California  
1424 Howe Avenue  
Greg Gorges Conference Room "F"  
Sacramento, CA 95825  
(916) 263-2666

**Board Members Present**

Lisa O'Connor, M.A., Chairperson  
Naomi Smith, Au.D.  
Rebecca Binge, M.A.  
Jennifer Hancock, M.A.  
Alison Grimes, Au.D.  
Carol Murphy, M.A.  
Diana Verdugo, M.S.

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Lori Pinson, Staff Analyst  
George Ritter, Legal Counsel

**Board Members Absent**

Paul Donald, M.D.

**Guests Present**

Robert Ivory, Audiologist California Academy of Audiology  
Robert Powell, California Speech-Language-Hearing Association  
April Freeman, Board of Occupational Therapy  
Antonette Sorrick, Department of Consumer Affairs  
Beth Scott, Future Board Analyst  
Marcia Raggio, Ph.D

**9:00 a.m. Speech-Language Pathology & Audiology Full Board Meeting****I. Call to Order**

Chairperson O'Connor called the meeting to order at 9:20 a.m.

**II. Introductions**

Those present introduced themselves.

### **III. Approval of meeting minutes for October 26-27, 2006 committee meetings and full Board meeting**

The Board discussed minor grammatical edits to the minutes.

**M/S/C: Grimes/Murphy**

The Board approved the meeting minutes for the October 26-27, 2007, Speech-Language Pathology Practice Committee, Joint Committee of the Speech-Language Pathology and Audiology Practice Committees, Full Board, and Closed Session meetings as amended.

### **VI. Chairperson's Report (Lisa O'Connor) Appointment of Board Member Naomi Smith to the Following Committees: Licensing/Education, and Audiology, & Continuing Professional Development.**

Chairperson O'Connor requested the Board appoint Ms. Naomi Smith to the Licensing and Education Practice Committee and the Audiology Practice Committee. She stated that Ms. Smith declined to serve on the Continuing Professional Development Committee at this time until she is completely orientated as to her service on the Board.

**M/S/C Grimes/Bingea**

The Board approved the appointment of Ms. Smith to the Licensing and Education Practice Committee and the Audiology Practice Committee

Chairperson O'Connor provided a summary of the written Chair's report as included in the meeting packets. She briefly reviewed the topics as follows:

- The recent Board communications with the Department of Developmental Services (DDS) and all state regional centers regarding the use of unlicensed personnel to provide speech and language services to clients of the regional centers. At issue was a policy statement that appeared on the Tri-Counties Regional Center's website that includes language implying that under certain circumstances, language-based services may be appropriately provided by "other" personnel. Chairperson O'Connor reported on the two separate telephone communications she and Ms. Del Mugnaio had with DDS administrators in response to the Board's initial letter of concern dated September 28, 2007. She stated that DDS maintains that the Tri-Counties document does not promote the use of unlicensed personnel to provide speech and language therapy and further contended that DDS has not received complaints regarding unqualified personnel serving the regional center population. DDS suggested that the anecdotal reports as reported to the Board may be isolated incidents as opposed to a pervasive problem in the regional center system. Chairperson O'Connor reported that DDS provided her and Ms. Del Mugnaio with information regarding the DDS complaint procedures and directed the Board to its website as a resources for others who have issues with regional centers or their providers. Chairperson O'Connor reported that DDS confirmed that the agency is pursuing changes to the Title 5 regulations to include speech-language pathology assistants as approved providers with authorization for Medi-Cal reimbursement.
- The communications with the Holy Names Educational Therapy program regarding the program curriculum which, based on review of the course outlines, appeared to the Board

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to be training individuals to assess and remediate language disorders. Chairperson O'Connor reported that the Holy Names program representatives were receptive to the Board's comments and concerns and agreed to the following action: review the entire course sequence of the program to ensure the appropriateness of the educational therapy curriculum, add clarifying statements in the course literature to reflect that the assessment and treatment of language disorders is the practice of speech-language pathology and requires a state license or credential as a speech-language pathologist, and to change the name of a course to more accurately reflect the course as providing information on learning disorders as opposed to language disorders. Chairperson O'Connor stated that the Board has sent a recent correspondence to the Holy Names program thanking the representatives for their action, but revisiting some of the issues with the educational therapy program curricula which was not addressed in the program's initial response. She stated that she will report to the Board once she receives any subsequent communications.

- A request for the Board to consider implementing continuing professional development requirements for all individuals who supervise support personnel or provisionally licensed practitioners. Chairperson O'Connor requested that the issue be included on the April meeting agenda for discussion. Vice Chairperson Grimes commented that the issue of supervisor competency and quality is timely as at a recent meeting of the national Executive Board of the Council of Academic Programs in Communication Sciences and Disorders, the focus of the meeting was the appropriate training and skills of preceptors. She stated that the group focused on the obvious link between skilled preceptors and quality clinical training experiences for students.
- The recent upgrade of Ms. Del Mugnaio's exempt position allocation and salary increase to the maximum salary range. Chairperson O'Connor commented on Ms. Del Mugnaio's exemplary service to the Board and congratulated her on the new allocation.
- The communications developed by Chairperson O'Connor and Vice Chairperson Grimes directed to the American Speech-Language-Hearing Association (ASHA) and the American Academy of Audiology (AAA) emphasizing the need for specific coursework on the diagnosis and treatment of Auditory Processing Disorders (APD) to be included in the training program curricula for both speech-language pathology and audiology. The letters recommend that [the] APD coursework be implemented as an accreditation standard by the Council on Academic Accreditation (ASHA), and the accrediting body of AAA.
- Announcement of the planned distribution of the Speech-Language Pathology Assistant (SLPA) resource package, including: a detailed cover letter, SLPA Frequently Asked Questions document, SLPA Laws and Regulations Excerpts, and the Supervisory Responsibility Statement. Chairperson O'Connor announced that the SLPA resource package will be sent to all Special Education Local Plan Area Administrators within the next few weeks.
- Report on the meeting she and Ms. Del Mugnaio attended at the state capitol to meet the new Senate Business, Professions, and Economic Development Committee Chair, Senator Mark Ridley-Thomas, and the Chair of the Assembly Business and Professions

Committee, Mike Eng. Chairperson O'Connor reported that the new chairs provided background information on their respective public service and their goals and priorities for the new legislative cycle. She stated that the meeting was informative and she reported that senior legislative staff person, Bill Gage, provided an overview of the sunset review process. Mr. Gage indicated that the boards currently scheduled for review in 2007 will likely be postponed until the following year since appointments have not yet been made to the Joint Committee on Boards, Commissions, and Consumer Protection.

- Announced that she and Ms. Del Mugnaio will be meeting with the California Council of Academic Programs in Communicative Sciences and Disorders in Long Beach on March 8, 2007 just prior to the California Speech-Language-Hearing Association Convention in Long Beach to discuss various licensing issues related to practitioner shortages and the proposal for universal licensure in the state.

## **VII. Executive Officer's Report (Annemarie Del Mugnaio)**

### **A. Sunset Review Report Update – Department of Consumer Affairs Internal Audits**

Ms. Del Mugnaio restated the announcement that the Board may not be scheduled for sunset hearings in 2007 and will likely be held over until 2008. She reported that the Department is currently conducting an internal audit of the Board's administrative, licensing, and enforcement programs and that the audit will be concluded sometime in late March 2007. She stated that she will be charged with preparing a detailed response to the issues raised in the audit report and will share the report and response with the Board.

### **B. Personnel Update**

Ms. Del Mugnaio reported on the departure of Ms. Kathi Burns, the Board's lead analyst and stated that Ms. Burns has taken a promotional position as a manager with the California Medical Board. She reported that she has recruited a new senior analyst, Beth Scott, from the Department of Corrections and Rehabilitation, who has a number of years of investigative and legal experience.

Ms. Beth Scott was present in the audience and addressed the Board to provide information on her previous work experience.

### **C. Budget Update**

Ms. Del Mugnaio provided a budget update with an expenditure report through December 31, 2006. She reported that the Board was experiencing a shortfall in the enforcement program and, therefore, funds were redirected from other line items to fortify the enforcement expenses. She stated that to date, all cases currently with the Office of the Attorney General will continue to be processed.

### **D. Status of Rulemaking Files**

#### **1. Elimination of Dual Licensure Proposal (California Code of Regulations 1399.170.20- (George Ritter)**

Ms. Del Mugnaio reported that the elimination of dual licensure regulation proposal, which implemented the automatic cancellation of the speech-language pathology assistant (SLPA) license upon the issuance of an independent practitioner license, was partially approved by

the Office of Administrative (OAL) Law on November 16, 2006, with the exception of one subsection. The subsection dealt with the continued employment of an individual as an SLPA, after the automatic cancellation of the SLPA registration, and upon issuance of the independent speech-language pathology license, wherein the Board would deem such continued employment as unprofessional conduct.

Mr. Ritter explained that the OAL issued a partial disapproval of the subsection as it determined that the subsection was not legally sound and did not meet the regulatory adoption standards. He stated that OAL argued that, since a speech-language pathologist can perform any of the functions of the SLPA, the individual employed or operating as an SLPA would not have to discontinue their practice or terminate such employment upon receiving the independent speech-language pathology license. Mr. Ritter explained that both he and Ms. Del Mugnaio had separate conversations with the OAL reviewing attorney to explain the intent of the subsection to be that of preventing an individual from holding oneself out as an SLPA to the public once the registration has been cancelled. He stated that while the reviewing attorney found the justification for the subsection reasonable and further agreed that clarifying the language in the subsection may resolve the issue, OAL did not provide the Board an opportunity to move forward with noticing the clarifying language, but instead disapproved the subsection. Mr. Ritter reported that he refuted the OAL partial disapproval in the form of a memorandum on December 6, 2006, which is included in the Board packets. He suggested that the Board may wish to resubmit the previously denied subsection to OAL with modifications to the language as provided in his memorandum.

The Board discussed the modified language to California Code of Regulations Section 1399.170.20.1 (d).

**M/S/C            Grimes/Verdugo**

The Board voted to resubmit the disapproved subsection (d) of Section 1399.170.20.1 of the California Code of Regulations to the OAL with the amendments as outlined in the legal memorandum prepared by Mr. Ritter.

**2. Continuing Professional Development (California Code of Regulations 1399.160.2 – 1399.160.10)**

Ms. Del Mugnaio reported that the final rulemaking file was currently at the Department for review and should be forwarded to the Office of Administrative Law for final approval within the next few weeks. She reported that the Board did not receive any specific comments on what should have been a more substantial regulation proposal with greater interest to the licensing population.

**3. Speech-Language Pathology Assistants BA Applicants/Work Experience Equivalency (California Code of Regulations 1399.170.11)**

Ms. Del Mugnaio reported that the regulations had been noticed to the public on December 8, 2006 for the forty-five (45) day comment period, which ended on January 22, 2007, and stated that no public comments were received during the specified period. She explained that the proposed language noticed to the public included the work-experience equivalency language as requiring a bachelor's degree applicant for SLPA registration to possess one-year of full-time work experience as discussed at the October 27, 2006 Board meeting. However,

she stated that after reviewing the recording of the October 27, 2006 meeting, she was uncertain as to whether the Board adopted a one-year work experience time-frame or was supportive of a more limited term, that being nine (9) months of full-time work experience. Ms. Del Mugnaio explained that several members of the Board and the public voiced their support of a 9-month work experience term as this period of time is comparable to the length of formal clinical training that would be provided in a speech-language pathology assistant training program. Ms. Del Mugnaio referenced a proposed 15-day change notification included in the meeting materials which would notify the public of the modification to the regulation language to reflect a 9 month full-time work experience term as opposed to the original proposed language reflecting one-year of work experience. She requested that the Board discuss the matter and determine which equivalency parameters were appropriate for the purposes of defining an equivalent clinical experience to that offered in a formal speech-language pathology assistant training program.

**M/S/C            Smith/Murphy**

The Board discussed the modification of the text [CCR Section 1399.170.11 (b)(3)] and voted to adopt the proposed change to reflect a nine (9) month work experience requirement as an equivalent qualification to that offered in a formal training program for bachelor's degree applicants who are seeking registration as speech-language pathology assistants.

**E. Dissemination of Speech-Language Pathology Assistant Resource Packet**

**F. Update on Recent Board Communications Related to the Overlap in Professional Services Between Speech-Language Pathologists and both Educational Therapists and Behavioral Personnel**

Ms. Del Mugnaio stated that Chairperson O'Connor had covered the updates for items E & F in her Chair's report under agenda item IV.

**G. SLPAB 2006-2007 Strategic Plan**

Ms. Del Mugnaio distributed the 2007 Strategic Plan with the new graphics as developed by the Department at the Board's request.

**H. Miscellaneous**

Ms. Del Mugnaio reported that she and Vice Chairperson Grimes will be attending a meeting with the Office of the President of the University of California (UC) on February 5, 2007 to discuss the status of the development of the joint doctoral programs in audiology. Ms. Del Mugnaio stated that Dr. Cathryn Nation of the UC had invited her and Vice Chairperson Grimes to the meeting to listen to the issues facing the institutions in terms of start-up hurdles and to share with the group current licensing statistics and professional issues related to the transition to doctoral education in audiology. She reported that Dr. Nation indicated that the joint doctoral programs should be prepared to enroll students by fall 2008.

**Continuation of the Speech-Language Pathology & Audiology Full Board Meeting**

The Board reconvened the full Board meeting at 1:55 p.m.

### **VIII. Committee Reports**

Ms. Bingea provided an overview of the matters discussed at the Audiology Practice Committee meeting and stated that the Board will be meeting with representatives from the Department of Health Services Children's Medical Services Branch, the California Academy of Audiology, and the American Academy of Audiology at its April 12-13, 2007, meeting to discuss possible legislative changes affecting the Newborn Hearing Screening Program. She stated that such issues discussed will include pediatric audiology provider standards and the Medi-Cal service reimbursement system, which due to its complexity and antiquity, may be deterring practitioners from serving as individuals qualifying under the California Children Services.

**M/S/C Grimes/Smith**

The Board voted to accept the report of the Audiology Practice Committee Meeting.

Vice Chairperson Grimes provided an overview of the matters discussed at the Licensing and Education Practice Committee meeting and presented the Committee's recommendations to the Board as follows:

- To delegate to Ms. Del Mugnaio the task of developing proposed statutory and regulatory language regarding supervisor qualifications for those supervising the clinical experiences of speech-language pathology and audiology students, including those completing the post-professional experience required for licensure, and to propose language regarding the licensing, or an exemption thereof, of doctoral students completing their 4<sup>th</sup> year externship in the state.
- That all members review the CSHA guidelines on APD, 2<sup>nd</sup> Edition 2007, and prepare comments to submit to Ms. Del Mugnaio by February 15, 2007 to further examine the validity of the document as a professional guideline for the state.

**M/S/C Smith/Murphy**

The Board voted to adopt the report and recommendations of the Licensing and Educational Committee.

### **IX. Licensing/Enforcement Statistical Data**

The Board reviewed the quarterly licensing and enforcement statistical data as prepared by the Board staff.

Ms. Del Mugnaio reported that there are nine (9) administrative disciplinary cases currently pending with the Office of Administrative Law.

### **X. Public Comment on Items Not on the Agenda**

No further public comments were made at this time.

**XI. Announcements**

**Next Board Meeting is scheduled for April 12-13, 2007 San Francisco**

**XII. Future Meeting Dates- July 12-13, 2007- Los Angeles**

The Board discussed the future meeting calendar and rescheduled the July meeting to July 18, 2007 in Los Angeles, and scheduled the fall meeting for October 25-26, 2007 to be held in Sacramento.

**XIII. Adjournment**

Chairperson O'Connor adjourned the meeting at 2:25 p.m.

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Annemarie Del Mugnaio, Executive Officer